

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
at Santa Fe, NM

DEC 26 2001

ROBERT M. MARCH, Clerk  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rio Gallina, Section 5

**Subfile No.: CHGA-03-0023**

**CONSENT ORDER**

The Court, having vacated the Consent Order filed on January 18, 2001, (Docket No. 6127) between the Plaintiff State of New Mexico and Defendant(s):

LEVI A. SANCHEZ  
MARY SANCHEZ

by Order filed November 14, 2001, (Docket No. 6413) and having granted leave for the State and Defendant(s) to file a new Consent Order in connection with Subfile No. CHGA-03-0023 concerning the Defendant's right to use the public waters of the Rio Chama Stream System, the Court Finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Gallina, Section 5, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

6464

3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.
4. The rights of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Gallina, Section 5, are set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s):** 03247 date filed 5/1/1987

**Priority:** Reserved for future determination by court order entered March 15, 2000

**Source of Water:** Surface water of the Rio Gallina, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** Rincon Ditch

**Location X:** 1,460,761 feet **Y:** 1,899,262 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

**Location and Amount of Irrigated Acreage:**

Section 17, Township 23N, Range 01E, N.M.P.M.

Pt. NW¼	30.9 acres
Total	30.9 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.:  
CHGA-03-0023.

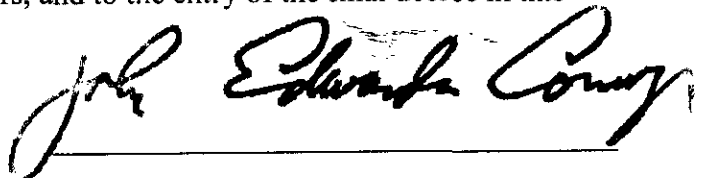
**Amount of Water:** Reserved for future determination by court order entered March 15, 2000

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Gallina, Section 5, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

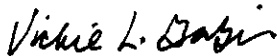
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Gallina, Section 5, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

ACCEPTED: [Signature]  
LEVI A. SANCHEZ

ADDRESS: P.O. Box 1112  
ABIGAIL, NM  
87510

DATE: 11/26/01

ACCEPTED: Mary A. Sanchez  
MARY SANCHEZ

ADDRESS: P.O. Box 1112  
Abiquiu, NM  
87510

DATE: 11-26-01

Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

11.28.01  
Date

